

Remarks:

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1, 3-6, 8, 13-46 are pending in the application. Claim 12 was canceled. No claims have been allowed. Claims 1, 8, 13, 19, 21, 32, 41, 45 and 46 are independent.

Information Disclosure Statements

Applicants filed an Information Disclosure Statement ("IDS") with accompanying forms 1449 on August 28, 2002 and February 20, 2004. The 1449 forms for these IDSs have not been initialed and returned.

Because these IDSs were timely filed, Applicants respectfully request the Examiner to provide Applicants with a copy of the initialed 1449s to indicate the references were properly considered. For the convenience of the Examiner, additional copies of these 1449s are included herewith. Another copy of the references can be obtained by contacting the undersigned attorney.

Applied Art

U.S. Patent No. 6,192,118 to Bayless et al. ("Bayless") is entitled "Computer Telephone System and Method Having a Graphical User Interface." U.S. Patent No. 6,496,202 to Prinzing ("Prinzing") is entitled "Method and Apparatus for Generating a Graphical User Interface."

Examiner Telephonic Interview

Applicants wish to thank the Examiner for his time during a telephonic interview on October 14, in which claim 1 and Bayless were discussed. Although agreement was not reached, Applicants believe the interview helped better focus prosecution of the Application. If any further issues remain, Applicants request the benefit of another interview.

To expedite prosecution, for many of the claims, Applicants have chosen to add the language "parent application," which is clearly supported, for example, at page 22, lines 15 et seq. of the Application.

Patentability of Claims 1, 3-6, 8, 12, 21-28, 32-33 and 37-46 over Bayless under § 102(e)

The Action rejects claims 1, 3-6, 8, 12, 21-28, 32-33 and 37-46 under 35 U.S.C. § 102(e) as being anticipated by Bayless. Applicants respectfully submit the claims in their present form are allowable over the applied art. For a 102(e) rejection to be proper, the applied art must show each and every element as set forth in a claim. (*See MPEP § 2131.01.*) However, the applied art does not so show.

Claims 1, 3-6, 26 and 27

Bayless fails to teach or suggest at least one element of claim 1. As amended, claim 1 recites in part:

A computer-readable medium having stored thereon computer-executable instructions for implementing a shell program that exposes an application programming interface for customizing a customizable visual user interface . . .

wherein the application programming interface comprises one or more methods for customizing the customizable area; and

wherein at least one of the one or more methods for customizing the customizable area is for adding one or more custom panes to the visual user interface for the telephony device, the one or more panes associated with a parent application separate from the shell program, the parent application operable to communicate with the shell program via the application programming interface.

For example, the application describes customizing a user interface with custom panes associated with parent applications, and provides examples of API functions and data types of a panes facility in a shell program. [*See, e.g., Application at p. 20, line 20 – p. 28, line 37.*]

Bayless does not teach or suggest the above-cited language of amended claim 1. For example, Bayless does not teach or suggest "wherein the application programming interface comprises one or more methods for customizing the customizable area; and wherein at least one of the one or more methods for customizing the customizable area is for adding one or more custom panes to the visual user interface for the telephony device, the one or more panes associated with a parent application separate from the shell program." The Examiner cites several passages of Bayless, but the cited passages do not teach or suggest the claimed arrangement.

Because Bayless fails to describe at least one element recited in claim 1, the claim is not subject to a 102(e) rejection over Bayless, and Applicants respectfully request the objection be

withdrawn. For at least these reasons, claim 1 and its dependent claims, 3-6, 26 and 27, are allowable over the applied art.

Claim 8

Bayless fails to teach or suggest at least one element of claim 8. As amended, claim 8 recites in part:

wherein the software for customizing the customizable visual user interface comprises at least one application programming interface comprising one or more methods for adding one or more custom panes corresponding to a parent application to the customizable visual user interface

[See, e.g., Application at p. 20, line 20 – p. 28, line 37.]

Bayless does not teach or suggest the above-cited language of amended claim 8. For example, Bayless does not teach or suggest "at least one application programming interface comprising one or more methods for adding one or more custom panes corresponding to a parent application to the customizable visual user interface." The Examiner cites several passages of Bayless, but the cited passages do not teach or suggest the claimed arrangement.

Because Bayless fails to describe at least one element recited in amended claim 8, the claim is not subject to a 102(e) rejection, and Applicants respectfully request the objection be withdrawn. Claim 8 is allowable over the applied art.

Claims 21-25

Bayless fails to teach or suggest at least one element of amended claim 21. As amended, claim 21 recites in part:

wherein the software for implementing default elements of the customizable visual user interface and customizing the customizable visual user interface comprises at least one application programming interface comprising one or more methods for customizing the customizable visual user interface, the one or more methods comprising a method for adding a custom pane corresponding to a parent application to the customizable visual user interface.

[See, e.g., Application at p. 20, line 20 – p. 28, line 37.]

Bayless does not teach or suggest the above-cited language of amended claim 21. For example, Bayless does not teach or suggest "at least one application programming interface comprising one or more methods for customizing the customizable visual user interface, the one or more methods comprising a method for adding a custom pane corresponding to a parent

application to the customizable visual user interface." The Examiner cites several passages of Bayless, but the cited passages do not teach or suggest the claimed arrangement.

Because Bayless fails to describe at least one element recited in amended claim 21, the claim is not subject to a 102(e) rejection over the reference, and Applicants respectfully request the objection be withdrawn. For at least the above reasons, claim 21 and its dependent claims, 22-25, are allowable over the applied art.

Claim 28

The Examiner indicates that claim 28 was rejected under § 102(e) over Bayless. However, because claim 28 depends from independent claim 13, the patentability of claim 28 is addressed below in reference to claim 13, which was rejected (along with its dependent claims) under § 103(a).

Claims 32-33 and 37-40

The Examiner states that claims 32-33 and 37-40 "show the same features as claims 8, 12-18 and are rejected for the same reasons." [See the Action at page 5.] Applicants respectfully disagree.

For example, claim 32 recites "wherein the accepting facilitates customization of the user interface of the telephony device at run-time of the user interface; and wherein the new user interface element is associated with a parent application separate from a shell program implementing default elements of the user interface." As understood by Applicants, Bayless' description accompanying FIGS. 5 & 6 does mention a "GUI object builder" at column 12, line 17. However, as described at column 12, line 16 of Bayless, the windows are used "in the design mode," not "at run-time of the user interface" as claimed. In addition, Bayless does not teach or suggest "wherein the new user interface element is associated with a parent application separate from a shell program implementing default elements of the user interface."

For at least these reasons, claim 32 and dependent claims 33 and 37-40 are allowable over Bayless under § 102. (The rejection of dependent claims 34-36 under § 103(a) is addressed below).

Claims 41-44

The Examiner states that claims 41-44 "show the same features as claims 8, 12-18 and are rejected for the same reasons." [See the Action at page 5.] Applicants respectfully disagree.

For example, claim 41 recites "an application programming interface operable to enable customization of the graphical user interface during run-time of the graphical user interface; wherein the customization comprises adding one or more new user interface elements associated with a parent application separate from the software platform." As understood by Applicants, Bayless' description accompanying FIGS. 5 & 6 does mention a "GUI object builder" at column 12, line 17. However, as described at column 12, line 16 of Bayless, the windows are used "in the design mode," not "during run-time of the user interface" as claimed. In addition, Bayless does not teach or suggest "wherein the customization comprises adding one or more new user interface elements associated with a parent application separate from the software platform."

For at least these reasons, claim 41 and dependent claims 42-44 are allowable over Bayless under § 102.

Claim 45

As amended, claim 45 recites "a pane identifier in a function call, wherein the identifier is associated with a new pane to be added to the user interface, the new pane associated with the pane program, wherein the pane program is separate from but in communication with the shell program; and in response to the providing, creating an instance of the new pane in the user interface; wherein the function call calls a function in a programming interface exposed by the shell program, and wherein the programming interface facilitates customization of the user interface." Although Bayless' description accompanying FIGS. 5 & 6 does mention a "GUI object builder" at column 12, line 17, Bayless does not teach or suggest the claimed arrangement. For example, Bayless does not teach or suggest "wherein the identifier is associated with a new pane to be added to the user interface, the new pane associated with the pane program, wherein the pane program is separate from but in communication with the shell program."

For at least these reasons, amended claim 45 is allowable over Bayless under § 102.

Claim 46

As amended, claim 46 recites in part "wherein the software for implementing a customizable visual user interface comprises at least one application programming interface comprising one or more methods for customizing the customizable area; and wherein at least one of the one or more methods for customizing the customizable area is for adding one or more custom panes to the visual user interface for the telephony device, the one or more panes associated with a parent application." Bayless does not teach or suggest the claimed arrangement. For example, Bayless does not teach or suggest "wherein at least one of the one or more methods for customizing the customizable area is for adding one or more custom panes to the visual user interface for the telephony device, the one or more panes associated with a parent application."

For at least these reasons, amended claim 46 is allowable over Bayless under § 102.

Patentability of Claims 13-20, 28-31 and 34-36 over Bayless and Prinzing under § 103(a)

The Action rejects claims 13-20, 29-31 and 34-36 under 35 U.S.C. § 103(a) as unpatentable over Bayless and Prinzing. (As noted below, claim 28 was rejected under § 102(e), but by virtue of its dependence from claim 13, the patentability of claim 28 is addressed here.) Applicants respectfully submit the claims in their present form are allowable over the applied art.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In addition, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (*See* MPEP § 2142.) Motivations to combine or modify references must come from the references themselves or be within the body of knowledge in the art. (*See* MPEP § 2143.01.)

Claims 13-18 and 28-31

As amended, claim 13 recites in part, "creating a custom user interface program module, wherein the custom user interface program module uses the programmatic programming interface operable to provide functionality for customizing the user interface and displays a custom user interface element in the user interface, the custom user interface element associated

with a parent application not included in the received software platform or the received default user interface program modules."

Taken together, the Prinzing and Bayless references do not show, for example, "the custom user interface program module uses the programmatic programming interface operable to provide functionality for customizing the user interface and displays a custom user interface element in the user interface, the custom user interface element associated with a parent application not included in the received software platform or the received default user interface program modules," as recited in amended claim 13. Prinzing describes an application programming interface ("Document") having methods that "can be used to retrieve attributes associated with the document (e.g., document title and document author)." [See Prinzing at col. 10, line 1 – col. 11, line 2.] Prinzing states, "Embodiments of the invention are used to customize a graphical user interface (GUI) that represents the view in a Model/View/Controller architecture." [See Prinzing at col. 4, lines 58-60.] For example, at claim 1, Prinzing describes initiating "a first program module" (i.e., an object) "to implement a first portion of said GUI from components in a first GUI library" and "a second program module" (i.e., an object) "to implement a second portion of said GUI from a second GUI library."

However, Prinzing does not teach or suggest "the custom user interface element associated with a parent application not included in the received software platform or the received default user interface program modules," as recited in amended claim 13.

Claim 13 and its dependent claims, 14-18 and 28-31, are allowable over Bayless and Prinzing, taken separately or in combination.

Claims 19-20

As amended, claim 19 recites in part "wherein the programmatic programming interface provides one or more methods for creating one or more custom panes for display in the user interface, the custom panes associated with one or more parent applications outside the shell program." Taken together, the Prinzing and Bayless references do not show the recited arrangement. Claim 19 and its dependent claim 20 should be allowable.

Claims 34-36

Claims 34-36 depend from claim 32. As amended, claim 32 recites in part, "wherein the accepting facilitates customization of the user interface of the telephony device at run-time of the user interface; and wherein the new user interface element is associated with a parent application separate from a shell program implementing default elements of the user interface." As explained above, claim 32 is patentable over Bayless. Furthermore, taken together, the Prinzing and Bayless references still do not show the recited arrangement. For example, the Prinzing and Bayless references do not teach or suggest "wherein the new user interface element is associated with a parent application separate from a shell program implementing default elements of the user interface."

Claims 34-36 are allowable over Bayless and Prinzing, taken separately or in combination.

Request for Follow-Up Interview

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

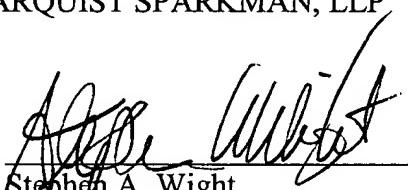
Conclusion

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

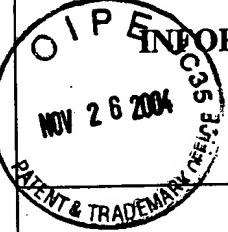
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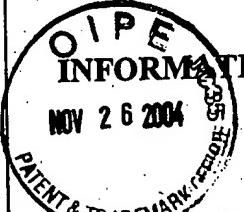
Stephen A. Wight

Registration No. 37,759

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

 <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>NOV 26 2004 P A T E N T & T R A D E M A R K C O M M I S S I O N</p>			Docket: 3382-51792		App: 09/383,038		
			Applicant: Schnarel et al.				
			Filed: August 25, 1999		Art Unit: 2174		
U.S. PATENT DOCUMENTS							
Init.*		Number	Date	Name	Class	Sub	Filed
		6,178,432	1/2001	Cook et al.			
EXAMINER:			DATE				
<p>*Examiner: Initial if considered, whether or not in conformance with MPEP 609; draw line through cite if not in conformance and not considered. Send copy.</p>							

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